

Appendix A

General Instructions and Provisions

APPENDIX A

GENERAL INSTRUCTIONS AND PROVISIONS

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APPENDIX A

GENERAL INSTRUCTIONS AND PROVISIONS

1. Instrumentation and/or Ground Equipment

By submitting a proposal, the investigator and institution agree that NASA has the option to accept all or part of the offeror's plan to provide the instrumentation or ground support equipment required for the investigation, or NASA may furnish or obtain such instrumentation or equipment from any other source as determined by the selecting official. In addition, NASA reserves the right to require use of Government instrumentation or property that subsequently becomes available, with or without modification, that meets the investigative objectives.

2. Tentative Selections, Phased Development, Partial Selections, and Participation With Others

By submitting a proposal, the investigator and the organization agree that NASA has the option to make a tentative selection pending a successful feasibility or definition effort. NASA has the option to contract in phases for a proposed investigation and to discontinue the investigative effort at the completion of any phase. NASA may desire to select only a portion of the proposed investigation and/or that the individual participates with other investigators in a joint investigation. In this case, the investigator will be given the opportunity to accept or decline such partial acceptance or participation with other investigators prior to a NASA selection. Where participation with other investigators as a team is agreed to, one of the team members will normally be designated as its leader or contact point. NASA reserves the right not to make an award or cancel this Announcement of Opportunity at any time.

3. Selection Without Discussion

The Government intends to evaluate proposals and award contracts without discussions with offerors. Therefore, each initial offer should contain the offeror's best terms from a cost or price and technical standpoint. However, the Government reserves the right to conduct discussions, if later determined by the Contracting Officer to be necessary.

4. Nondomestic Proposals

The guidelines for proposals originating outside of the United States are the same as those for proposals originating within the United States, except that the additional conditions described in Section 2.8 of the AO shall also apply.

5. Treatment of Proposal Data

It is NASA policy to use information contained in proposals and quotations for evaluation purposes only. While this policy does not require that the proposal or quotation bear a restrictive notice, offerors or quoters should, in order to maximize protection of trade secrets or other information that is commercial or financial and confidential or privileged, place the following notice on the title page of the proposal or quotation and specify the information, subject to the notice by inserting appropriate identification, such as page numbers, in the notice. In any event, information (data) contained in proposals and quotations will be protected to the extent permitted by law, but NASA assumes no liability for use and disclosure of information not made subject to the notice.

RESTRICTION ON USE AND DISCLOSURE OF PROPOSAL AND QUOTATION INFORMATION (DATA)

The information (data) contained in (insert page numbers or other identification) of this proposal or quotation constitutes a trade secret and/or information that is commercial or financial and confidential or privileged. It is furnished to the Government in confidence with the understanding that it will not, without permission of the offeror, be used or disclosed for other than evaluation purposes; provided, however, that in the event a contract is awarded on the basis of this proposal or quotation, the Government shall have the right to use and disclose this information (data) to the extent provided in the contract. This restriction does not limit the Government's right to use or disclose this information (data), if obtained from another source without restriction.

6. Status of Cost Proposals

The investigator's institution agrees that the cost proposal submitted in response to the Announcement is for proposal evaluation and selection purposes, and that, following selection and during negotiations leading to a definitive contract, the institution may be required to resubmit or execute all certifications and representations required by law and regulation. Because the value of awards will be less than \$500,000, submission of a Standard Form (SF) 1411 Contract Pricing Proposal Cover Sheet is not required.

7. Late Proposals

The Government reserves the right to consider proposals or modifications thereof received after the date indicated for such purpose, if the selecting official deems it to offer NASA a significant technical advantage or cost reduction. (See NFS 18-15.412.)

8. Source of Space Investigations

Investigators are advised that candidate investigations for space missions can come from many sources. These sources include those selected through the Announcement of Opportunity, those generated by NASA in-house research and development, and those derived from contracts and other agreements between NASA and external entities.

9. Disclosure of Proposals Outside the Government

NASA may find it necessary to obtain proposal evaluation assistance outside the Government. Where NASA determines it is necessary to disclose a proposal outside the Government for evaluation purposes, arrangements will be made with the evaluator for appropriate handling of the proposal information. Therefore, by submitting a proposal, the investigator and institution agree that NASA may have the proposal evaluated outside the Government. If the investigator or institution desires to preclude NASA from using an outside evaluation, the investigator or institution should so indicate on the cover. However, notice is given that if NASA is precluded from using outside evaluation, it may be unable to consider the proposal.

10. Equal Opportunity

For any NASA contract resulting from this solicitation, the clause at FAR 52.222-26, Equal Opportunity, shall apply.

11. Patent Rights

A. For any NASA contract resulting from this solicitation awarded to other than a small business firm or nonprofit organization, the clause at NFS 18-52.227-70, New Technology, shall apply. Such contractors may, in advance of a contract, request waiver of rights as set forth in the provision at NFS 18-52.227-71, Requests for Waiver of Rights to Inventions.

B. For any NASA contract resulting from this solicitation awarded to a small business firm or nonprofit organization, the clause at FAR 52.227-11, Patent Rights--Retention by the Contractor (Short Form), (as modified by NFS 18-52.227-11) shall apply.

12. Rights in Data

Any contract resulting from this solicitation will contain the Rights in Data - General clause:
FAR 52.227-14.